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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

FRANCO CAPPOLA and  
CHRISTINA CAPPOLA,

06-CV-260-BR

ORDER

Plaintiffs,

v.

EQUIFAX INFORMATION SERVICES LLC,

Defendant.

JUSTIN M. BAXTER  
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**BROWN, Judge.**

This matter comes before the Court on Plaintiffs' Motion for Partial Summary Judgment (#36). Plaintiffs' claims are brought pursuant to the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681, *et seq.* The parties fully briefed this Motion, and the Court heard oral argument on May 23, 2007.

For the reasons stated on the record, the Court:

1. **GRANTS in part** Plaintiffs' Motion to the extent it is undisputed that Defendant (a) did not notify Thomason Auto Credit within five business days of Plaintiffs' notice to Defendant that Plaintiffs disputed certain credit information Thomason provided to Defendant as required by 15 U.S.C. § 1681i(a)(2)(A) and (b) did not provide Thomason with all relevant information about Plaintiffs' dispute as required by 15 U.S.C. §1681i(a)(2)(B). The consequences of Defendant's noncompliance with these mandatory statutory duties will be determined in later proceedings.

2. **DENIES in part** Plaintiffs' Motion as to whether Defendant's conduct constituted negligent noncompliance with FCRA

pursuant to 15 U.S.C. § 1681o or willful noncompliance with FCRA pursuant to 15 U.S.C. § 1681n, with leave to renew as appropriate in light of the fact that the applicable standards interpreting "willful" noncompliance with FCRA are pending review in the Supreme Court.

3. **DENIES in part** Plaintiffs' Motion because genuine issues of material fact exist as to whether Defendant followed reasonable procedures to assure the maximum possible accuracy of credit information in accordance with 15 U.S.C. § 1681e.

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of May, 2007.

  
ANNA J. BROWN  
United States District Judge